

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: MAXCESS, INC.	DOCKET NOS. TCU-00-11 WRU-00-26-3386
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**ORDER GRANTING APPLICATION, APPROVING CONCURRENCE IN MAPS,
AND GRANTING WAIVERS**

(Issued May 19, 2000)

On March 10, 2000, Maxcess, Inc. (MAXCESS), filed an application for issuance of a certificate of public convenience and necessity, pursuant to Iowa Code § 476.29 (1999), stating its intention to provide resold and facilities-based local exchange service in Iowa. MAXCESS stated its intention to provide service in the territories of U S WEST Communications, Inc. (U S WEST). MAXCESS will concur in the current maps of U S WEST, as well as any changes to that map. MAXCESS will make available 2-PIC methodology for intraLATA and interLATA calling.

Iowa Code § 476.29(2) (1999) provides that the local exchange carrier shall not be denied a certificate if the Utilities Board (Board) finds that the applicant "possesses the technical, financial, and managerial ability to provide the service it proposes to render and the board finds the service is consistent with public interest." The Board has carefully reviewed MAXCESS' application and finds MAXCESS has demonstrated that it has the necessary technical, financial, and managerial ability to provide local exchange service. It is in the public interest to grant a certificate to MAXCESS.

MAXCESS requested a waiver of 199 IAC 16.5(2), which requires it to use a prescribed system of accounts, and 199 IAC 18.2, which requires it to maintain its books and records in Iowa. MAXCESS stated it employs an accounting system in accordance with generally accepted accounting principles and that those records are kept at its principle place of business in Florida, but will be made available to the Board as necessary.

MAXCESS also requested the Board waive 199 IAC 22.3(1) requiring it to independently publish a directory, stating that it will provide for the listing of its customers' telephone numbers in the appropriate local directory.

The Board finds it reasonable to grant MAXCESS' requests for waivers. Based on the nature of the local exchange service MAXCESS will provide, the Board finds that none of these requirements are appropriate at this time. The Board will be able to adequately review the records if it becomes necessary. Until or unless MAXCESS serves a very large number of customers, it is unnecessary for it to publish a separate directory in Iowa.

IT IS THEREFORE ORDERED:

1. The application for a certificate of public convenience and necessity filed by Maxcess, Inc., on March 10, 2000, is granted, subject to the requirement that follows.
2. At the time Maxcess, Inc., files tariffs with the Board, it must give notice to all affected local exchange carriers. Upon approval of tariffs to reflect the prices, terms, and conditions of local exchange service in Iowa offered by MAXCESS the

Board will issue a certificate of public convenience and necessity allowing it to provide local exchange service in Iowa.

3. The concurrence in the U S WEST Communications, Inc., maps and boundaries by MAXCESS is approved.

4. MAXCESS' requests for waiver of 199 IAC 16.5(2), 18.2, and 22.3(1) are granted.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Raymond K. Vawter, Jr.
Executive Secretary

/s/ Diane Munns

Dated at Des Moines, Iowa, this 19th day of May, 2000.